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**Southern District of Texas**  
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April 2000



Our nation's border with Mexico has achieved an unfortunate notoriety for alien and drug smuggling. The Southern District of Texas with its 455 miles of Rio Grande River has long been in the forefront in interdiction

of smuggling offenses. In fiscal year 1999, the two U.S. Border Patrol sectors in this district made more apprehensions of aliens from countries other than Mexico than all other Southwest border sectors combined. Drug smuggling is even more starkly concentrated in the district's border region: over 77 percent of all cocaine and 52 percent of all marijuana seized last year by the Border Patrol along the entire U. S.- Mexico border.

The narcotics cases summarized in this monthly report illustrate the effectiveness of joint Federal, State and local law enforcement initiatives. We continue to improve the interdiction efforts through strategic planning and advancements in communication technology among law enforcement agencies. We are proud of the progress of the community-based, drug demand reduction efforts we support through Operation Weed and Seed and the partnership with the Texas National Guard Counter Drug Program.

This month, you will be able to access this report and additional information concerning our activities through our Web site: <http://www.usdoj.gov/usao/txs>. Again, I welcome your comments.

## **DRUG TRAFFICKING**

**Prosecutors work on long-term investigations with multi-agency teams such as the Organized Crime Drug Enforcement Task Force. OCDETF is one of the oldest and most successful working group of local, state and Federal investigative agencies whose mission is to dismantle major drug organizations. Houston is headquarters for the Southwest OCDETF region which includes the Texas, Arizona, New Mexico and California border areas.**

### **Veterinarian part of Drug Trafficking Conspiracy**

A jury in Laredo found Sergio Celada-Avila guilty of conspiring with others to conduct financial transactions involving drug proceeds. Celada-Avila, a Nuevo Laredo, Mexico veterinarian, was arrested in June 1999, and 2,897 pounds of cocaine and over \$3.5 million in cash were seized. Also arrested were Francisco Azpeitia Castro, a Nuevo Laredo dentist, and Manuel Johnson Cardenas, a food vendor. Agents found an additional stash of 2,897 pounds of cocaine and \$61,000. Castro and Cardenas entered pleas of guilty. Celada-Avila will be sentenced before U. S. District Judge Keith Ellison. AUSA: Mary Lou Castillo; AGENCY: DEA, Texas DPS, & Laredo PD.

### **Operation Snow Boat**

This OCDETF initiate involved the successful prosecution of nine defendants. Their drug trafficking activities were part of a maritime cocaine trafficking cell. The organization was based in Greece, employed Ukrainian sailors, and transported wholesale quantities of cocaine for Colombian suppliers.

Through multinational, multi-agency coordination, two ocean freighters were boarded by the U. S. Coast Guard on the high seas resulting in the seizure of nearly 10 tons of cocaine. The M/V Cannes was boarded on January 13<sup>th</sup> resulting in a 5-ton cocaine seizure and on May 27, 1999, the Coast Guard boarded the M/V China Breeze and seized another five tons of cocaine. AUSA: Eric Reed; AGENCY: DEA, USCG, USCS, Galveston County Sheriff.

### **Operation Elm Street**

An OCDETF investigation ended the activities of a drug organization that had been operating in the Rio Grande Valley for over 5 years. Their routine was to transport marijuana in relatively small loads concealed in vehicles. The loads were calculated to fall below Federal prosecution guidelines so that individual transporters who were caught were typically prosecuted under State laws and either released or sentenced to probation. Investigators identified career couriers and linked them with the George Luis Gutierrez organization by reviewing stops of individuals at the Sarita and Falfurrias Border Patrol checkpoints. Seven defendants were convicted in the first indictment. Five were sentenced March 6, 2000; the remaining defendants are awaiting sentencing. Prosecutors determined that the organization transported over 1500 kilograms of marijuana over a five year period. As a direct result of the first indictment, eight additional defendants were indicted for similar charges involving approximately 2400 kilograms of marijuana. AUSA: Jaime Pena; AGENCY: IRS-CID, DEA, HIDTA, US Customs.

### **Police Officer Convicted**

A McAllen jury returned a guilty verdict against Alfonso Casares, a former Mission police officer. Casares, while employed as a police officer, purchased a series of four vehicles for the benefit of, and with the money of Roberto Quintanilla, fugitive drug dealer. Casares faces a possibility of twenty years and a \$50,000 fine. AUSA Luis Martinez; AGENCY: DEA & Mission PD.

### **Operation Street Sweeper**

A major case in the Freeport area involved an Hispanic offshoot of a Los Angeles-based street gang. The local gang controlled crack cocaine distribution in the Freeport area until the Federal charges shut them down. One defendant will be tried, ten have pled guilty. The Freeport area gang has been dismantled and the gang's leader sentenced to 17 years. AUSA: Claude Hippard; AGENCY: DEA, Freeport PD.

### **Mother-Son Drug Trafficking**

May Belle Williams, a former City of Houston employee, was sentenced to 97 months for laundering the cash proceeds generated by her son's drug trafficking business. Williams was also found guilty of five counts of concealing those drug proceeds. Bobby Joe Williams, II was sentenced to 30 years and ordered to pay a fine of \$25,000 for manufacturing and distributing methamphetamine pills nationwide. The jury verdict also forfeited two 1998 Mercedes Benz automobiles, a \$385,000 residence and \$145,000 in cash and cashiers' checks. AUSA: Al Balboni; AGENCY: DEA, IRS, HPD.

### **Operation Fatal Attraction**

A two-year investigation by the ONDCP-funded initiative that designated Houston a High Intensity Drug Trafficking Area (HIDTA) focused on a Colombian/Mexican/Jamaican drug organization. The investigation resulted in the arrests in Houston of 10 persons in August 1999, all of whom have since been convicted. Over 2300 kilograms of cocaine were seized and another 2000 kilograms of cocaine documented as controlled by this organization during this two-year period. Nearly \$1million in drug proceeds were seized. AUSA: Martha Vara; Agency: HIDTA.

### **Operation Boogie Nights**

An undercover investigation that started one year ago has brought four indictments involving seven defendants, six of whom have entered guilty pleas. The charges involve drug trafficking in Houston's night clubs. The drugs being sold include "date rape" pills Rohypnol, GHP and Liquid X. Investigators have seized 7,500 units of LSD. The investigation is continuing. AUSA: Marc Miller; AGENCY: DEA.

**Businessman Guilty of Drug Smuggling**

Antonio Valdez, a McAllen businessman, was found guilty in March of conspiracy to possess with intent to distribute more than 1000 kilograms of marihuana. Witnesses testified that a vehicle had been loaded with 4,501 pounds of marihuana and that DEA agents discovered an additional 5,313 pounds at his offices. The case involved the distribution of multi-ton quantities of marihuana from the Rio Grande Valley to Atlanta. Of the 15 persons indicted for this drug trafficking conspiracy, Valdez was the only defendant to go to trial. He will be sentenced on April 27th. Other defendants have pled guilty and are awaiting sentencing. AUSA Terry Leonard; AGENCY: DEA.

**New Yorker Guilty of Drug Trafficking**

In March, Junior Cirilo Castro-Rodriguez was convicted in Brownsville of cocaine trafficking. Castro-Rodriguez, a 24-year-old Bronx resident, was arrested at the Harlingen International Airport along with another person for attempting to smuggle 6.5 kilos of cocaine to Cleveland. Airline records revealed four previous weekend trips by Castro-Rodriguez from Newark to Harlingen. AUSA: Mark Dowd; AGENCY: DEA, Border Patrol and Harlingen Airport Police.

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**Special Prosecutions**

**Criminal prosecutions involving civil rights, environmental laws, public corruption and organized crime are the responsibility of the Special Prosecutions Section.**

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**Four Charged with Illegal Gambling Business**

Three Houston men and one Bostonman were charged with operating an illegal gambling business in Houston. The indictment charged that each defendant conducted, financed, supervised, and owned all or part of a sports betting business earning revenues in excess of \$2,000 in any single day. If convicted, each faces up to five years and fines of \$250,000. AUSA: Ed Gallagher & Joseph Magliolo; AGENCY: FBI & HPD Vice Section.

**Rwandan Extradited on Genocide Charges**

Elizaphan Ntakirutimana, a Rwandan pastor accused of masterminding the slaughter of hundreds of Tutsis in his homeland became the first person on United States soil to be surrendered to an international war-crimes tribunal. The former Seventh-day Adventist pastor was charged with genocide and crimes against humanity by the International Criminal Tribunal for Rwanda in 1996. State-sponsored massacres organized by Hutu extremists in Rwanda killed more than 500,000 people in 1994, mostly minority Tutsis. Ntakirutimana is accused of luring hundreds of minority Tutsis to take refuge in his church and then leading a gun and machete attack on the group. He also is charged with taking part in rounding up survivors of the massacre and killing them. He faces up to life in prison if convicted. AUSA: Don DeGabrielle; AGENCY: FBI & USMS.

**Antonini Pleads Guilty to Conspiracy Charge**

Alfred Antonini, 54, of Hayward, California entered a plea of guilty to a federal conspiracy charge last month. Co-defendant, James Lomonaco, 52, of Houston, entered a plea of guilty to the same charge in February. The defendants pled guilty to conspiracy to commit mail, wire, and bank fraud. The charge specified that the conspiracy related to a check kiting scheme that centered around various real estate-related bank accounts in the Houston-area and in California. Both defendants face five years and a fine of \$250,000. U.S. District Judge Sim Lake set sentencing for May 25, 2000 for both defendants. AUSA Larry Eastepp & Edward Gallagher; AGENCY: FBI.

**Newpark Shipbuilding Pleads Guilty to Violation of Clean Water Act**

Newpark Shipbuilding-Brady Island, Inc. pled guilty to violations of the Clean Water Act. Newpark, a ship channel company that cleans and repairs ships and barges and has a wastewater treatment facility, entered a guilty to a violation of the Clean Water Act. The offense involved failure to take samples that were representative of the volume and nature of discharges from its wastewater treatment plant. The company will pay a \$25,000 fine and plea *nolo contendere* to two misdemeanor State charges and pay a \$100,000 fine for each of those charges. Newpark separately agreed to pay a total of \$975,000 to the Coastal Conservation

Association and the Galveston Bay Foundation to demonstrate its commitment to a better environment. AUSA Joe Magliolo & SAUSA John Emerson; AGENCY: EPA, TNRCC, Texas Parks and Wildlife, General Land Office, U.S.C.G. & HPD Environmental Investigations Unit.

### **Two Houston Businessmen Indicted for Asbestos Removal Violations**

A grand jury in Houston returned an eleven-count indictment charging two Houston businessmen with violating the Clean Air Act. The indictment alleges the offenses occurred during the course of renovating the Alief General Hospital. One was charged with conspiracy to violate the Clean Air Act by releasing asbestos. He faces up to 15 years and a fine of \$250,000. The second defendant was charged with conspiracy, failing to implement asbestos work practices and making false statements to OSHA. He faces up to five years in prison. SAUSA: John Emerson; AGENCY: EPA.

### **Houston Police Officer Convicted of Civil Rights Violation**

Cedric Rodgers, 37, a Houston Police Officer, was convicted on charges of violating the civil rights of an individual by conspiring to use his position as a police officer to stop and detain a person in order to steal \$30,000 from that person. Rodgers will be sentenced by U. S. District Judge Vanessa Gilmore. AUSA: Juliette LaChapelle and Civil Rights Division Attorney Mai Linh Spencer; AGENCY: FBI.

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## **Economic Crimes**

**Fraud prosecutions typically involve complex investigations and extensive litigation. The cases reported here demonstrate the wide range of White Collar crimes committed in the district.**

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### **Houston Man Convicted of NBA Scam**

Gene Lessley Price, of Houston was convicted March 8, 2000 in connection with scheme

to obtain autographed basketballs and autographed jerseys from NBA and WNBA teams. Price's co-conspirator, Moses Mays, pled guilty to wire fraud. Both men were charged with soliciting items from teams on the pretext that the items were to be auctioned at a benefit they were going to hold in Houston for the late Kim Perrot. Perrot, the former point guard for the national champion Houston Comets, was diagnosed with cancer last year. Numerous NBA and WNBA teams sent autographed basketballs and jerseys for the auction. No benefit was held and Mays and Price kept the items. The supposed event was not sanctioned by the NBA, the Houston Comets or Kim Perrot. AUSA: Mary Jane Harmon; AGENCY: FBI.

### **Trafficking Counterfeit Goods**

Stewart Greenwood was convicted of one count of conspiracy and four counts of trafficking in counterfeit goods. Greenwood was charged with printing thousands of shirts and sweatshirts bearing counterfeit brand named trademarked logos such as Nike, Tommy Hilfiger and Reebok. He faces 10 years on each trafficking count and a fine of \$2 million. He will be sentenced on June 23, 2000, by U.S. District Judge Nancy Atlas. AUSA: John Lewis; AGENCY: U.S. Customs.

### **Interception of Commercial Satellite TV**

Two Houston men were indicted on charges of Access Device Fraud and Possession of Intercepting Devices. The two are accused of possessing illegally programmed Direct Satellite System television cards for the purpose of surreptitious interception of commercial satellite television signals. Both face 10 years and a fine of \$250,000 for each count. AUSA John Lewis; AGENCY: U.S. Customs.

### **Investment Scheme Indictment**

An indictment accusing a Houston man of mail fraud was returned March 2000. According to the indictment, the man operated an investment scheme in the Woodlands and in Houston. He is alleged to have promised investors their money would be placed in Funding Resource Group, Funding Resource Group Assets or Funding Resource Group Ministries, and then pooled with other investor funds and used to make loans to third world countries. Investors were guaranteed a monthly return for a year. Investors

were told that their investments were safe and insured. AUSA: Richard Berry; AGENCY: FBI.

### **Attorney Indicted for Bankruptcy Fraud**

A Missouri City attorney was indicted for bankruptcy fraud. The indictment charges that the defendant filed petitions in court to prevent creditors from foreclosing on his residence. He allegedly failed to disclose his prior bankruptcy filings in order to conceal his scheme from the bankruptcy court. AUSA: Al Balboni; AGENCY: FBI.

### **Embezzlement of Veteran's Pension Checks**

Perri Rideaux, was convicted on March 8<sup>th</sup> at trial before U. S. District Judge David Hittner. Rideaux was accused of embezzlement and conversion of veteran's pension checks. Rideaux was fiduciary for the pension checks of 74-year-old veteran, Willis Collier, who was a life-time friend of Rideaux's mother. The fiduciary agreement obligated her to spend all of Collier's pension funds for his sole benefit. In 1998, Collier's children moved him from Rideaux's care into the home of his oldest daughter. Rideaux cashed all of Collier's checks and kept the money for herself unbeknownst to Collier's children. Rideaux faces up to ten years plus a fine of up to \$250,000 per count, and restitution of all embezzled funds to the estate of the deceased veteran. AUSA Mike Schultz; AGENCY: VA OIG.

### **Prison Terms for Wire Transfer Scheme**

Rodney Lee White, 24, of Houston, was sentenced to 18 months for bank fraud and ordered to pay restitution of \$175,000. White was involved in a fraudulent transfer scheme of \$175,000 from the bank account of Western Atlas at Chase Bank of Texas to a bank account at First State Bank. His co-defendant, Latrinda Fields, was sentenced to forty-one months on March 9<sup>th</sup> and also ordered to pay \$175,000 in restitution. Fields had been employed at Baker Atlas, a division of Baker Hughes which had acquired Western Atlas, and had caused the fraudulent and unauthorized \$175,000 wire transfer to be sent to a bank account in an assumed name at First State Bank. Rodney White had opened the account at First State

Bank using fictitious identification. AUSA John Braddock; AGENCY: Houston Area Task Force.

### **Three Charged in Deposit/Cash-Back Scheme**

Criminal informations were filed against three men last month charging all three with defrauding Bank One-Texas and Bank of America. The alleged fraud involved depositing stolen checks and getting cash back by runners using false identification. AUSA: John Wagner; AGENCY: FBI.

### **Credit Union Manager Indicted**

A woman from Spring was accused of bank fraud in March. The indictment alleges that while employed as manager of the Greater Southwest Federal Credit Union in Sugarland, she was responsible for scheme in which credit union funds and funds from credit union account holders were utilized for her personal use and benefit. AUSA Quincy Ollison; AGENCY: FBI.

### **Houston Attorney Sentenced on Tax Evasion**

Houston attorney George Bishop was sentenced to 18 months in prison for his conviction on three counts of tax evasion in March. A jury in U.S. District Judge Ewing Werlein, Jr.'s court found Bishop guilty of failing to report over \$1 million dollars in legal fees and the evasion of more than \$300,000 in taxes. In addition to the prison sentence, Judge Werlein ordered Bishop to pay more than \$9,000 for the Government's costs of the trial. AUSA Amy Lecocq & Tax Division attorney Melissa Marquez; AGENCY: IRS.

### **Theft by Bank Employee**

Kimberly Mason, 32, pled guilty before U.S. District Court Judge Vanessa Gilmore to a one-count indictment charging her with theft of approximately \$5,300 from a cash drawer of Frost National Bank while employed as a bank teller. She faces a maximum thirty years and a fine up to a \$1 million. Mason will be sentenced on July 31, 2000. AUSA: Daniel Rodriguez.

### **Man and Woman Charged in Loan Scheme**

A Houston man and woman were accused of scheming to defraud Wells Fargo Bank in Houston. The indictment alleges that the scheme involved submitting loan applications using the identities and social security numbers

of other individuals without their knowledge. The defendants are also alleged to have submitted false employment and salary information to the bank. Each count of the indictment carries a maximum sentence of thirty years in prison and up to a \$1 million fine. AUSA John Braddock; AGENCY: FBI.

### **Transportation of Stolen Property: a Check**

U. S. District Judge Vanessa Gilmore sentenced Leonard Wayne, of California, to 27 months and restitution of \$20,000 for Interstate Transportation of Stolen Property. Wayne was involved in solicitations of investors for Pro-Tex Corporation, an entity which was buying and selling tubular pipe. Wayne and a co-defendant transported a check from an individual for \$20,000 payable to Pro-Tex Corporation. The check was deposited in a Houston bank account and then sent to Florida for collection. AUSA Charles Escher; AGENCY: FBI.

### **Counterfeiting of Federal Reserve Notes**

U.S. District Judge Vanessa Gilmore sentenced Andre King, a/k/a Corey Terrell King, a/k/a Cornell Andre Bush, to 21 months for counterfeiting. The defendant pled guilty to knowingly transferring counterfeited Federal Reserve Notes with the intention that the counterfeit money be used as true and genuine. AUSA: Charles Escher; AGENCY: Secret Service.

### **Seven indicted from Houston Area Fraud Task Force**

Last month federal grand juries indicted seven defendants on charges of possession of delivery of stolen treasury checks, false statements, bank fraud and access device fraud (credit card fraud), conspiracy to deliver counterfeit securities; forged treasury checks; and fictitious securities. The cases are scheduled for trial next month. AUSA James Buchanan; AGENCY: Houston Area Fraud Task Force & USSS.

## **Texas Exile**

**This office and federal investigative agencies are working with the Texas Attorney General's Office, State prosecutors, and local law enforcement to ensure that armed criminals and gun law violators are prosecuted under federal**

### **Felon in Possession of Firearm: over 17 Years**

George Cano was sentenced in Corpus Christi to 210 months for unlawfully possessing a firearm. Cano has a long history of aggravated felonies. AUSA Elsa Salinas; AGENCY: ATF and Corpus Christi PD.

### **Convicted Felon Pleads Guilty**

Tony Chriss Pipkin a/k/a Omar Al-Tariq, 37, of Houston, appeared before U.S. District Court Judge Nancy Atlas on March 22<sup>nd</sup> and entered a plea of guilty to a two-count indictment charging him with being a felon in possession of a firearm. Pipkin will be sentenced June 23<sup>rd</sup>, and faces 10 years on each the indictment. In September 1999, Pipkin sold and delivered a Smith & Wesson revolver to an informant working with ATF. In October he sold and delivered a Maddi, Helwan, 9mm semiautomatic pistol to the informant. The revolver was manufactured in Springfield, MA and the Maadi semiautomatic pistol was manufactured in Egypt and imported into the United States by Century Arms, Inc. St. Albans, VT. AUSA: Richard Harris; AGENCY: ATF.

### **Felons with Firearms -- Indictments**

On March 30th, a federal grand jury setting in Houston, Texas returned an indictment charging a Houston man with possessing a firearm after having been convicted of a felony. If convicted, he faces a possible sentence of 10 years. In a separate indictment another prior felon of Houston, faces 35 years in federal prison after being charged for carrying a firearm during a drug trafficking felony. A Houston-based federal grand jury charged a third Houston man with possessing a firearm after having been convicted of a felony. He is facing 10 years if convicted of this offense. AUSA: Richard Harris; AGENCY: ATF and HPD.

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## Special Initiatives

### Weed and Seed, Safe Home and other operations are key components of the Department of Justice's Anti Violent Crime

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#### Weed and Seed Nets Auto Theft Ring

On March 3, 2000, Ambris Beltre, 30, of the Dominican Republic, was sentenced by U. S. District Judge David Hittner to one year for interstate transportation of stolen motor vehicles. Beltre is the last of 19 defendants sentenced. Beltre and nineteen others conspired to steal motor vehicles in New York and transport them to Houston and other destinations. The conspirators used fraudulent and counterfeit titles from NY, NJ, and PA to clone vehicle identification numbers. This case was developed thanks to the efforts of the Weed and Seed task force in the Houston - Gulfport area. AUSA: Richard Harris; AGENCY: HPD Auto Theft & NYPD Auto Theft Task Force.

#### Galveston Weed and Seed Neighborhood Rid of Crack Dealer

U.S. District Judge Nancy Atlas sentenced Krisean Johnson, 24, of Galveston, to 140 months. Johnson was convicted of distribution of crack cocaine based on investigation by the Weed and Seed task force. The investigation was aided by the drug canine purchased and trained through Operation Weed and Seed. AUSA: Richard Harris; AGENCY: FBI and Galveston PD.

#### Operation Safe Home

Harold Lee Miles, 32 of Houston was sentenced to 150 months U. S. District Judge Sim Lake on March 28<sup>th</sup>. Miles was convicted last December for possession with intent to deliver crack cocaine. Miles' arrest was part of Operation Safe Home at the Lincoln City Federal Housing Projects located on Little York in Houston. Operation Safe Home is a HUD initiative where local law enforcement works with federal agencies to remove

criminal activity from public housing areas. AUSA: Eric Smith; AGENCY: HUD, HPD.

#### Time-and-a-Half for Escape from Federal Halfway House

Brandy Kay Jackson was sentenced by U.S. District Judge Ewing Werlein, Jr., to 18 months for her escape from a Federal halfway house. Jackson had been sentenced to 12 months for a conviction for securities fraud and placed in the halfway house due to drug addiction and a prior escape from a drug treatment program. Jackson left the halfway house ostensibly for a job search and never returned. AUSA: Fred Dailey; AGENCY: U.S. Marshal Service.

#### Bryan United Pentecostal Church Arson

Dennis Lee Green received a two-year sentence on March 17<sup>th</sup> by U. S. District Judge Melinda Harmon. Green pled guilty to setting fire to the Bryan United Pentecostal church. He has been released on bond pending his appeal. AUSA: Eric Smith; AGENCY:ATF.

#### The Phuoc Thanh Oriental Market Arson

Xai Kha, owner of the PhuocThanh Oriental Market, his son Thanh Kha, 32, and Omar Ochoa, 30 of Houston were sentenced in March by U. S. District Judge Ewing Werlein, Jr. for their participation in the arson of the oriental market in Houston. Xai Kha received 63 months, Thanh Kha, Xai Kha's and Ochoa received 78 months each. Each defendant was ordered to pay restitution of over \$1.6 million. The fire caused damage not only to the Market, but to the entire center located at 11530 Bellaire Blvd, Houston. AUSA: Nancy Cook; AGENCY: ATF Arson Task Force.

#### 46 Months for Child Pornography

U. S. District Judge Nancy Atlas sentenced Frank Lewis Lump, 60, to 46 months in prison and a fine of \$1,000. Lump pled guilty to transportation of child pornography in interstate commerce. AUSA: Daniel Rodriguez; AGENCY: FBI.

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## **Immigration**

**This district has long been in the forefront of enforcing immigration laws. Criminals who return illegally after having been deported from the U. S. face substantial prison terms before re-deportation.**

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### **Prison Penalties for Illegal Re-Entry**

Rogelio Guzman-Jimenez, a citizen of Mexico, was sentenced to 96 months. In 1999, he was found guilty of illegally re-entering the United States after deportation. Guzman-Jimenez had eight prior felony convictions, including drug trafficking, burglaries of residences, vehicle and alien smuggling and numerous misdemeanor convictions. Gilberto Sosa-Gaona, a Mexican citizen was sentenced to 87 months imprisonment. In November 1999, he was found guilty of illegally re-entering the United States after deportation. Sosa has prior convictions including illegal transportation of undocumented aliens, possession of cocaine, driving while intoxicated and numerous weapons offenses.

Inmer Esau Gomez-Lozano, 22, of El Salvador, was sentenced by U. S. District Judge Nancy Atlas to 77 months. The defendant was found guilty of illegally re-entering the U. S. after deportation, with prior convictions for possession of a controlled substance, unlawful use of a motor vehicle, DWI, failure to identify to a police officer, unlawful entry into the United States, and failure to stop and give information. Abelardo Garcia-Carpio, 33, a citizen of Mexico, was sentenced by U.S. District Judge Lee Rosenthal to 70 months. Garcia was found guilty of illegally re-entering the United States after deportation. The defendant has prior convictions for possession with intent to deliver cocaine, unlawful use of a motor vehicle, possession of marijuana, evading arrest and driving while license suspended. The defendant is a citizen of Mexico.

U. S. District Judge Ewin Werlein sentenced two Mexican citizens who had been found guilty of reentry into the U.S. after deportation. Jose

Hernandez Benavidez received 77 months. The defendant has prior convictions including three burglaries, two thefts, assault, DWI, trespass, evading arrest and failure to stoop and give information. Jaime Alberto Argueta-Ventura, 21, was sentenced to 57 months. He has prior convictions including delivery of cocaine, evading arrest, theft and unauthorized of a motor vehicle.

AUSA Douglas Davis; AGENCY: INS.

### **Continuing to Employ Undocumented Person**

David Chong, 37, and Rymand Sun, 51, both of Houston were sentenced by U. S. District Judge Ewing Werlein, Jr., to three years probation, and ordered to pay a \$3,000 fine. In October, Chong and Sun pled guilty to continuing to employ someone who was unauthorized for employment. Chong and Sun were employed by the Woodlands House Chinese Restaurant first as waiters and then later as managers. In a related case, the corporation for the Woodlands House Chinese Restaurant pled guilty to harboring an undocumented person and was sentenced by Judge Werlein to pay a \$100,000 criminal fine. AUSA: David Peck; AGENCY: INS.

### **Houston Man Sentenced in Smuggling Case**

Rafael Mejia-Garcia was sentenced to 18 months by U.S. District Judge David Hittner. Garcia pled guilty to harboring undocumented aliens. Evidence showed that the Anti-Smuggling Unit of the INS received information regarding possible alien smuggling activity in a location in Pasadena. Investigators found Garcia at the smuggling site. AUSA Doug Davis; AGENCY: INS.

## **CIVIL LITIGATION**

### **Judgment Against U.S. Set Aside**

On March 28, the U.S. Court of Appeals for the Fifth Circuit reversed an adverse judgment of \$72 million against the United States. The case involved a dispute over oil and gas royalties under the Falcon Dam and lake in South Texas along the U.S.-Mexico border. The government acquired the land in 1949 and the heirs of Guerra sued for additional compensation. The United States successfully appealed the judgement of the District Court. AUSA: David Guerra, Charles Wendland and Washington-based attorneys; AGENCY: International Border Commission (IBWC).



**Court Clarifies New Immigration Law**

In *Max-Geroge v. Reno*, the Fifth Circuit held that all review of issues concerning orders to remove aliens must be by petition for review in the Court of Appeals. This landmark decision made clear that U.S. District Courts do not have habeas corpus jurisdiction to review an order to remove a criminal alien. The removal order is distinct from a deportation order. SAUSA: Howard Rose; AGENCY: INS.

**National Security FOIA Challenge Defeated**

The District Court granted the Government's motion to dismiss a case seeking documents under the Freedom of Information Act. The case was brought against the CIA seeking records about the death of an American citizen in the former Soviet Georgia. The Court based its decision on national security grounds. AUSA: Brad Howard; AGENCY: CIA.

**Dismissal of Air Traffic Controller Affirmed**

The Fifth Circuit Court of Appeals affirmed the District Court's dismissal of a wrongful termination suit brought by a former air traffic controller. Rick Roberts filed suit alleging discrimination arising out of his termination as an air traffic controller. U.S. District Judge Ewing Werlein granted the Government's motion for summary judgement. Roberts appealed and has now lost on appeal. AUSA: Michelle Zingaro; AGENCY: FAA.

**CRIMINAL APPEALS**

The Fifth Circuit upheld an investigatory stop by experienced Border Patrol agents of van that was being driven, early in morning outside of Corpus Christi. Notwithstanding that the stop occurred 150 to 160 miles north of the border, the court found that regular use of the highway for alien smuggling activity coupled with the unkept appearance of the passengers, the nervous appearance of the driver and the rigid suspension of the van, supported finding "reasonable suspicion" of criminal activity. *U.S. v. Chavez-Chavez*.

The Fifth Circuit upheld a superseding indictment charging mail fraud, wire fraud, and conspiracy to commit mail fraud and wire fraud against challenges that it failed to allege all the essential elements of the offense. The court found that the allegations in the indictment that the defendants misrepresented that the investment program existed, was free from risk of loss, and would generate large profits, support an inference of materiality, and that a "reasonable man would attach importance" to these assurances. *U.S. v. Richards*.

**PUBLIC SAFETY INITIATIVES****Law Enforcement in Schools**

Tom Frazier, Director of the COPS Office, was the key note speaker at the March 26-28 seminar. The district's LECC and the COPS Office sponsored the program which was produced by Fox Valley Technical College. The 200 attendees gave the seminar exceptionally high marks for substance of the agenda and presentations. Follow up regional mini-conferences are being planned to continue the discussion of issues in school safety planning, Texas and Federal law on information sharing, and law enforcement authority in special school contexts.

**Brownsville Weed and Seed Break Bridge Detail**

Operation Weed and Seed is a community-based public safety initiative. In Brownsville, the Weed and Seed program adopted the city's high schools as its "community." During Spring Break last month, the Weed and Seed Bridge Detail Task Force worked to prevent underage drinking by minors who go to bars in Matamoros, Mexico. The Task Force consists of officers of the Brownsville PD, Brownsville ISD PD, TABC, and the Cameron County Juvenile Probation Department. These officers and Weed and Seed volunteers work all night to advise young people crossing into Mexico of the liabilities of drinking. The Task Force remains at the International Bridge until the following morning to meet those who return from Mexico. Intoxicated minors are detained and their parents are notified immediately.

**Brownsville Weed and Seed to Start Teen Court**

The Brownsville Weed and Seed project received approval for funding of a Teen Court from the City of Brownsville and the Lower Rio Grande Economic Development Council. The Teen Court will be supported by the Cameron County Young Lawyers Association.

**Law Enforcement Strategic Planning**

In January, U.S. Attorney Mosbacker hosted a video teleconference with law enforcement executives throughout the district. The meeting set in motion steps toward a strategic law enforcement plan for the district. The U.S. Attorney has continued to meet with senior law enforcement administrators in the various regions of the district to identify specific needs and set priorities. In March, meetings were held in Brownsville, Corpus Christi, Laredo and McAllen. April meetings are planned for Galveston, Houston, Huntsville, Rosenberg and Victoria.

**FOR MORE INFORMATION CONTACT:**

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